

BURIEN MUNICIPAL CODE

Chapter 5.30 FIREWORKS (EFFECTIVE AFTER SEPTEMBER 17, 2009)

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5.30.010 Definitions.

The definitions of Chapter 70.77 RCW as now stated or hereinafter amended shall govern the construction of this chapter, when applicable, and are hereby adopted by this reference. A copy of the same shall be kept on file in the office of the city clerk for public use and inspection. [Ord. 267 § 3, 1999]

5.30.020 Sale of fireworks unlawful.

It is unlawful for any person to offer for retail sale or sell any fireworks within the city. [Ord. 490 § 1, 2008; Ord. 267 § 4, 1999]

5.30.030 Permit required for public display of fireworks.

It is unlawful for any person to hold, conduct or engage in any public display of fireworks within the city without first having obtained and being the holder of a valid permit under the provisions of this chapter. [Ord. 267 § 5, 1999]

5.30.040 Discharge of fireworks prohibited.

Except as authorized by a state license and city permit granted by the local fire official pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by individual or group for religious or other specified purpose on approved date and at approved location), no person shall ignite, explode or discharge any fireworks within the city. [Ord. 490 § 2, 2008; Ord. 267 § 6, 1999]

5.30.045 Possession of fireworks unlawful.

Except as authorized by a state license and city permit granted by the local fire official pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by individual or group for religious or other specified purpose on approved date and at approved

location), it shall be unlawful for any person to control or possess any fireworks within the city. [Ord. 491 § 1, 2008]

5.30.050 Permit fee.

The annual fee for a "public display" permit for the public display of fireworks shall be \$100.00, and shall be payable to King County Fire Protection District No. 2 or the North Highline Fire District, as appropriate. [Ord. 267 § 7, 1999]

5.30.060 Issuance – Nontransferable – Voiding.

Each public display permit issued pursuant to this chapter shall be valid only for the specific authorized public display event, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit in addition to all other sanctions provided in this code. [Ord. 267 § 8, 1999]

5.30.070 Application for public display permit.

Applications for a permit to hold, conduct or operate a public display of fireworks shall be made to King County Fire Protection District No. 2 or North Highline Fire District, as appropriate, at least 14 days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements in the standards for public display set forth below. [Ord. 267 § 9, 1999]

5.30.080 Standards for public fireworks displays.

All public fireworks displays shall conform to the following minimum standards and conditions:

- (1) All public fireworks displays must be planned, organized and discharged by a state-licensed pyrotechnician;
- (2) A permit must be obtained from the fire chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his address; the name of the pyrotechnician and his address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required;
- (3) A drawing shall be submitted to the fire chief or designee showing a plan view of the fireworks discharge site and the surrounding area within a 500-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities;
- (4) The fire chief or designee may require that a fire department pumper and a minimum of two trained firefighters shall be on site 30 minutes prior to and after the discharge of any fireworks;
- (5) All combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions;

- (6) All unfired or undischarged fireworks shall be disposed of in a safe manner;
- (7) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site;
- (8) The permit may be immediately revoked at any time deemed necessary by the fire marshal or designee due to any noncompliance, or weather conditions such as extremely low humidity or wind factor. The display may also be canceled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display; and
- (9) Areas of public access shall be determined by the fire chief or designee and maintained in an approved manner. [Ord. 267 § 10, 1999]

5.30.090 Applicability.

The provisions of this chapter shall apply to the sale and use of all fireworks except "toy caps," and as is otherwise exempt pursuant to RCW 70.77.311 as now stated or as may be amended. [Ord. 267 § 11, 1999]

5.30.100 Chapter in connection with state law.

This chapter is intended to implement Chapter 70.77 RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto. [Ord. 267 § 12, 1999]

5.30.110 Enforcement.

The fire chief, or designee, is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies, he may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the fire chief or designee, and/or to comply with any provisions of this chapter or other laws or regulations. [Ord. 267 § 13, 1999]

5.30.120 Penalty for violations.

- (1) "Civil infraction" has the meaning given that term by Chapter 7.80 RCW, as now or hereafter amended, and the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the King County district court, as they may be now or hereafter amended.
- (2) Except as provided below, any person violating or failing to comply with the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment of up to 90 days or imposition of a fine of up to \$1,000, or by both such fine and imprisonment.
- (3) A violation of BMC 5.30.040 (Discharge of fireworks prohibited) shall be a Class 2 civil infraction and, upon a finding that a violation has been committed, the person committing such act shall be assessed an amount not to exceed \$125.00, plus applicable statutory assessments. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

(4) A violation of BMC 5.30.045 (Possession of fireworks unlawful) shall be a Class 2 civil infraction and, upon a finding that a violation has been committed, the person committing such act shall be assessed an amount not to exceed \$125.00, plus applicable statutory assessments. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. [Ord. 491 § 2, 2008]